

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TIMOTHY NELSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:06-CV-674-JCH
	)	
DORN SHUFFMAN, et al.,	)	
	)	
Defendants.	)	

**ORDER AND MEMORANDUM**

This matter is before the Court for review of plaintiff's first amended complaint [Doc. #64] pursuant to 28 U.S.C. § 1915(a).

Plaintiff, a civilly-committed resident of the Missouri Sexual Offender Treatment Center ("MSOTC"), seeks monetary and injunctive relief in this action brought pursuant to 28 U.S.C. § 1983. The named defendants are Dorn Shuffman, Diane McFarland, Karen Adams, Alan Blake, Martha Bellew-Smith, Linda Meade, Margaret Chessey, Marissa Richardson, Connie Roberts, W. Leon Maxwell, Danny Swyers, Ronald Scharader, Mark Miller, and "John Doe & Jane Doe MSOTC agents."

Plaintiff alleges that he was assaulted and raped by another MSOTC resident on or about December 16, 2004, as a result of defendants' violation of his constitutional rights. He also claims that following the assault, he was denied "trauma counseling," and was "punish[ed] . . . in an attempt to forestall judicial inquiry into the events of Dec. 16, 2004." Plaintiff's

claims are sufficient to proceed against all defendants, with the exception of "John Doe & Jane Doe MSOTC agents."<sup>1</sup>

Therefore,

**IT IS HEREBY ORDERED** that the Clerk shall issue process or cause process to be issued upon the first amended complaint as to defendants Dorn Shuffman, Diane McFarland, Karen Adams, Alan Blake, Martha Bellew-Smith, Linda Meade, Margaret Chessey, Marissa Richardson, Connie Roberts, W. Leon Maxwell, Danny Swyers, Ronald Scharader, Mark Miller.

**IT IS FURTHER ORDERED** that, as to defendants "John Doe & Jane Doe MSOTC agents," the Clerk shall not issue process or cause process to issue upon the first amended complaint, because the said

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<sup>1</sup>An action may proceed against a party whose name is unknown if the allegations are sufficiently specific to permit the party's identity to be ascertained after reasonable discovery. Munz v. Parr, 758 F.2d 1254, 1257 (8<sup>th</sup> Cir. 1985). In the case at hand, the complaint does not contain specific allegations regarding the identity of "John Doe & Jane Doe MSOTC agents." These defendants are both unidentified and indeterminate in number, which is not permissible. Cf. Estate of Rosenberg v. Crandell, 56 F.3d 35, 37 (8<sup>th</sup> Cir. 1995) (suit naming "various other John Does to be named when identified" not permissible).

complaint is legally frivolous and/or fails to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B).

An appropriate order shall accompany this order and memorandum.

Dated this 22nd day of May, 2007.

/s/ Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE